67 S.B.Civil Writ Petition No.1244/2003

Date of Order : 22-07-2004

HON'BLE MR. N.P.GUPTA,J.

Mr.D.D.Thanvi, for the petitioner.

Mr.Tribhuwan Gupta, and Mr.Lalit Kawadia, for respondents.

Leaned counsel for the respondents submit that suit, out of which writ petition arises, itself has been dismissed under O.7 Rule 11 CPC. In that view of the matter, this writ petition has become infructuous.

Learned counsel for the petitioner submits that he has already filed appeal against that order of rejection of suit. Be that as it may, if petitioner has filed appeal, he may pray for necessary interim order in that appeal. The writ petition cannot survive. The writ petition is, therefore, dismissed. However, it is made clear that the order impugned under challenged in this writ petition, shall not be taken into account in deciding the appeal by Appellate Court.

(N.P.GUPTA),J.

Srawat/-